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EXAMINER	
CALLAHAN, PAUL E	

ART UNIT	PAPER NUMBER
2437	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/608,192	PATIEJUNAS, KESTUTIS	
	Examiner	Art Unit	
	PAUL CALLAHAN	2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *7-7-08*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8,11-18,20,22-30,32-34 and 46-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8,11-18,20,22-30,32-34 and 46-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is directed towards the Applicant's response filed 7-7-2008. Claims 1-6, 8, 11-18, 20, 22-30, 32-34, 46-49 are pending and have been examined.

Response to Arguments

2. The Applicant argues in traverse of the rejections of the claims under 35 USC 102(e), and 35 USC 103(a), by asserting the claims as presented in the most recent response may be distinguished from the teachings of both Bolik '053 and Kraus '699. The Applicant asserts that both applied references fail to teach the limitation, newly added to the independent claims, of a dispatcher module that manages the transmission of one or more message objects at a message object level without small-scale flow control at the transport layer. The Examiner first notes that the concepts of object level transmission management involving small scale-flow control is not discussed in the Applicant's Specification and therefore the meanings of these terms as presented in the claims is not clear. The Examiner finds however, that Bolik teaches such a feature at col. 6 lines 5-10 where messages are processed in bulk at an object level by assignment of a group ID.

The Applicant asserts that the claimed invention may be distinguished from the Bolik '053 and Kraus '699 references based on the limitation newly added to the independent claims of management of message transmission "at a level above a transport layer." However, the Examiner finds that such is taught by Bolik at, for example, col. 3 lines 55-60 where message transmission is controlled at an application layer by an administrator.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-6, 8, 11-18, 20, 22-30, 32-34, 46-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Each of the independent claims has been amended via the latest response from the Applicant to include the limitation of "...the dispatcher module manages the transmission of the one or more message objects at a message object level without small scale flow control at the transport layer." A review of the Applicant's Specification does not reveal any discussion of the concept of management of message transmission at an object level or management involving small-scale flow control. Therefore these added limitations constitute new matter added to the Specification

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 3-18, 20, 22-30, 32-44, and 46-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Bolik.

Bolik teaches:

As for claim 13, a method for managing the transmission of data from at least one data source to a remote destination (abstract), the system comprising: receiving data from at least one data source (col. 6 lines 3-7); transforming the data to a plurality of message objects (col. 6 lines 3-34); associating each of the data sources with at least one corresponding session (col. 6 lines 3-34); buffering the plurality of message objects in an output message queue prior to transmission to the remote destination via a transport layer (col. 6 lines 18-34), and controlling the transmission of the message objects to the remote destination at a message object level without small scale flow control at a transport layer (col. 6 lines 5-10: message objects undergo bulk

processing at object level via use of a group ID), wherein the remote destination includes an input message queue for buffering the message objects (col. 6 lines 18-34).

As for claim 14, a method according to claim 13, wherein the at least one data source comprises a network (col. 3 lines 13-20).

As for claim 15, method according to claim 14, wherein the network comprises at least one server (col. 3 lines 13-20).

As for claim 16, a method according to claim 15, wherein the network comprises a local area network (col. 3 lines 15-20).

As for claim 17, a method according to claim 13, wherein the transport layer comprises a Transport Control Protocol layer (col. 3 lines 10-35).

As for claim 18, a method according to claim 13, wherein the remote destination comprises a storage host (col. 3 lines 21-26).

As for claim 20, a method according to claim 13, wherein the at least one data source comprises a plurality of data sources (col. 3 lines 12-20, col. 6 lines 3-7).

As for claim 22, a method according to claim 13, further comprising a step of binding at least one session to at least one of a plurality of connections to the remote destination (col. 6 lines 3-34).

As for claim 23, a method according to claim 22, wherein the step of binding comprises a step of binding more than one session to at least one of the connections to the remote destination (col. 6 lines 3-34).

As for claim 24, a method according to claim 13, wherein the step of buffering the message objects is performed at least in part according to a state of a message completion port (col. 6 lies 3-37).

As for claims 25-30 and 32-36, these claims are directed towards the database system that corresponds to the method of claims 13-18, 20, and 22-24. Claims 25-30 and 32-36 recite substantially the same limitations as claims 13-18, 20, and 22-24 and are rejected on the same basis as those claims.

As for claims 37-44, and 46-48, these claims are directed towards the computer program product embodied in a computer readable medium that causes a processor to undertake the method steps of claims 13-18, 20, and 22-24. Claims 37-44 and 46-49 recite substantially the same limitations as claims 13-18, 20, and 22-24 and are rejected on the same basis as those claims.

As for claim 49, Bolik teaches the one or more media according to claim 37, wherein the message object is larger than one megabyte (col. 3 lines 15-20: Bolik teaches the network as a Storage Area Network: SAN, such a network is inherently designed to accommodate large message sizes of one megabyte or larger).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-6, 8, 11, and12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolik, US 6,857,053 and Kraus et al., US 7,346,699.

As for claim 1, Bolik teaches system for managing the transmission of data from at least one data source to a remote destination (abstract) at a layer above the transport layer (col. 3 line 55-60: Administrator tools used to manage transmission are at an application layer), the system comprising: an input interface to receive data from at least one data source (col. 6 lines 3-7); a communication engine, communicating with the input interface (col. 6 lines 18-34) associating each of the data sources with at least one corresponding session (col. 6 lines 3-34), wherein the one or more message

objects are buffered in an output message queue prior to transmission to the remote destination via a transport layer (col. 6 lines 18-34); and the transport interface (col. 3 lines 20-30), the communication engine buffering the message objects prior to transmission to the remote destination via a transport layer (col. 6 lines 18-34); a dispatcher module for binding the corresponding session to one or more connections (col. 6 lines 3-34), wherein the message object is transmitted through the one or more connections to a remote destination including an input message queue for buffering the message objects (col. 6 lines 18-34). Bolik teaches a dispatcher module that manages the transmission of the message objects at a message object level without small scale flow control (col. 6 lines 5-10: bulk processing is taught via use of a group ID). Bolik fails to teach the feature of encapsulating the data into one or more message objects and an input message queue for buffering the message objects. However, Krause does teach this step of message encapsulation (col. 8 lines 9-18) and an input message buffering queue (col. 20 lines 59-62). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature into the system of Bolik. It would have been obvious to do so since this would provide for more efficient message processing at a destination address.

As for claim 2, Bolik teaches a system according to claim I, wherein the at least one data source comprises a network (col. 3 lines 12-20)

As for claim 3, Bolik teaches a system according to claim 2, wherein the network comprises at least one server (col. 3 lines 12-20).

As for claim 4, Bolik teaches a system according to claim 3, wherein the network comprises a local area network (col. 3 lines 15-20).

As for claim 5, Bolik teaches a system according to claim 1, wherein the transport layer comprises a Transport Control Protocol layer (col. 3 lines 10-35).

As for claim 6, Bolik teaches a system according to claim I, wherein the remote destination comprises a storage host (col. 3 lines 21-26).

As for claim 8, Bolik teaches a system according to claim I, wherein the at least one data source comprises a plurality of data sources (col. 3 lines 12-20, col. 6 lines 3-7).

As for claim 11, Bolik teaches a system according to claim 1 wherein the dispatcher module binds more than one session to at least one of the connections to the remote destination (col. 6 lines 3-34).

As for claim 12, Bolik teaches a system according to claim 1, wherein the buffering of the message objects is performed at least in part according to a state of a message completion port (col. 6 lines 3-37).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Paul Callahan/

10-10-2008

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2437